GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Framing of Rules - The Andhra Pradesh Prohibition of Child Marriage Rules, 2023, under The Prohibition of Child Marriages Act, 2006 – Orders – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DIFFERENTLY ABLED & SENIOR CITIZENS (PROG.II)

G.O. Ms. No.31 Dated:14.06.2023.
Read the following:

1. G.O. Ms. No. 13, Dept. for WCDA & SC (WP) Dt: 19.03.2012.
2. e-file bearing No.1961997 received from the Director, WD & CW Department, A.P., Guntur, dated: 11.02.2023.

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ORDER:

In supersession of orders issued vide G.O 1st read above, the following Notification will be published in the Extra Ordinary issue of the Andhra Pradesh Gazette dated: 14-06-2023.

NOTIFICATION

In exercise of the powers conferred by sub section (1) of section 19 of the Prohibition of Child Marriages Act, 2006 (Central Act No.6 of 2007), the Government of Andhra Pradesh hereby makes the following rules.

RULES

1. Short Title, Extent and Application:

1. These rules may be called as "THE ANDHRA PRADESH PROHIBITION OF CHILD MARRIAGES RULES, 2023".
2. It extends to the whole State of Andhra Pradesh.
3. These rules shall be applicable to all Indian citizens, and foreigners residing in/visiting Andhra Pradesh, including their families, enforcement agencies and the Government.

2. DEFINITIONS:

In these rules, unless the context otherwise requires:

i. Act" means "The Prohibition of Child Marriages Act, 2006";

(P.T.O.)

ii. "Child" means a person who, if a male has not completed twenty-one years of age; and if a female, has not completed eighteen years of age;
iii. "Child Marriage" means a marriage to which either of the contracting parties is a child;
iv. "Contracting party' in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnized;
v. "District Court" shall in addition to those mentioned in the Act includes the Court of the Judicial First Class Magistrate, and all other Children's Courts in Andhra Pradesh that shall be constituted under the Commission for Protection of Child Rights Act, 2005;
vi. "Marriage Officer" means an Officer duly appointed by the State Government under the Andhra Pradesh Compulsory Registration of Marriages Act, 2002;
vii. "Nodal Officer" means the Commissioner / Director of Women Development and Child Welfare at State Level and the Collector of the District at District Level or as may be notified by the Government;
viii. "section" means a section of the Act; and
ix. "rules means" The Andhra Pradesh Prohibition of Child Marriages Rules, 2023".

Words and expressions used and not defined in these rules but defined in the Act shall have the means respectively assigned to them in the Act.

3. "Appointment of Child Marriage Prohibition Officers":

The State Government hereby appoints the following Officers as the "Child Marriage Prohibition Officers" (herein after referred to as the CMPO) for the whole State of Andhra Pradesh from the date of notification in the official Gazette/District Gazette:

1. The District Collector of the concerned District is District CMPO.
2. Revenue Divisional Officer (RDO)/Sub-Collector at the divisional level.
3. The Child Development Project Officers (CDPOs) at the Project level covering 3-5 mandals which is under their jurisdiction.
4. The Tahsildars of Revenue Department , Mandal Education Officers of School Education Department, Mandal Parishad Development Officers of Panchayat Raj Department, Supervisor, WCD dept in their jurisdiction at the Mandal level for the villages and Municipal Commissioners at Municipalities/Municipal Corporations which are under their jurisdiction.
5. The Child Welfare Police Officer (CWPOs) designated under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 shall be the CMPOs of their respective Police Station jurisdiction.

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6. The Panchayat Secretaries of the Panchayat Raj Department and Village Revenue Officers of Revenue Department at the Village level. The Ward Administrative Secretaries of Municipal Administrative Department at urban areas like Municipalities/Municipal Corporations.
7. The Woman Protection Secretary / Mahila Police (MSK) of the respective Village / Ward Sachivalayam

4. **"Duties of the Child Marriage Prohibition Officers":**

In addition to the duties enlisted in the Act, all the "Child Marriage Prohibition Officers" at all levels, shall be duty bound to:

1. Ensure implementation of the Andhra Pradesh Compulsory Registration of Marriages Act, 2002 and Rules made under the said Act vide G.O.Ms.No.35, WD, CW & DW (Progs) Department dated 24th September, 2003.
2. Immediately act upon any information of the solemnization or proposed solemnization of any child marriage that may be received through any mode of communication, including in written or oral form i.e., through a letter, telegram, phone, e-mail, etc, or by any other means maintaining the confidentiality of the informant or source of information or suo-moto on any instance coming into his/her knowledge or reported in media and forthwith initiate all necessary action, including addressing the Police and Officers concerned.
3. Furnish Returns and Statistics in formats as may be prescribed by the Government from time to time.
4. Cause the publication and wide circulation of the Act and the Rules in Telugu and Urdu in all offices under this Act and public places and in all villages emphasizing more on the punishments in POCSO Act etc.
5. In case, the Child Marriage Prohibition Officer has reasonable grounds for doubt regarding the age of a child who is at the imminent risk of Child Marriage, the CMPOs shall undertake the process under the provisions of section 94 of the Juvenile Justice (Care & Protection of Children) Act, 2015 for the determination of the child's age.
6. Associate and Work in Co-ordination with the respective Village/ Ward Sachivalayam/Mandal/Divisional/District Child Marriage Prohibition and Monitoring Committee, NGOs, SHGs, VDP, Mandal Samakhyas, Zilla Samakhyas and departments concerned.
7. Initiate legal action and cause registration of cases under appropriate provisions of the Act, and Rules for their violation.
8. Formulate concrete strategies for the identification, rescue, rehabilitation and reintegration of Victims of child marriages as well as follow up as per the provisions of Prohibition of Child Marriages Act 2006 & Juvenile Justice (Care & Protection of children) Act 2015, 2021.

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9. Activate the Balika Mandals and Peer Groups to sensitize other adolescent girls.
10. Activate the Child Welfare & Protection Committees at various levels and ensure the formation and functioning of Baal Panchayats in all the Schools in their jurisdiction.
11. Ensure the regular meetings of the Child Welfare & Protection Committees at various levels like Village/ Ward Sachivalayams / Mandal / Divisional / District and periodical trainings must be conducted for the capacity building of the members of the Committees at various levels.
12. Take all such measures as required to sensitize and promote awareness against child marriages and to prevent child marriage.

5. "Powers of the Child Marriage Prohibition Officers":

Under the Act, "Child Marriage Prohibition Officers" are vested with the powers of a police officer and shall exercise the powers of investigation, summoning of parties and witness, recording of statements, booking of cases against individuals and parties concerned. The said Reports shall be treated as material evidence for punishing the offenders legally.

The "Child Marriage Prohibition Officers" shall also have the power to seek the assistance of the police and the police shall be duty bound to provide such assistance to the "Child Marriage Prohibition Officers" to enable her/him to carry out his/her duties under the Act and the Rules.

The Child Marriage Prohibition Officer shall rescue the child who is at the imminent risk of child marriage being performed and can take in to the protection of the government.

The Child Marriage Prohibition Officers shall be deemed to be Public Servants within the meaning of Section 21 of the Indian Penal code (45 of 1860).

No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything in good faith done or intended to be done in pursuance of this act or any rule or order made thereunder.

6. Lodging of reports by the CMPOs against Child Marriages performed or to be performed:

The CMPOs who have the immediate jurisdiction of the child marriage performed or to be performed shall be provided the Police support for initiation of legal action such as registration of cases against the persons who caused the child marriage and also to move the courts for further procedure in this regard.

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Ward Administrative Secretaries in urban areas and Panchayat Secretaries in rural areas shall be the CMPOs of immediate jurisdiction for taking legal action in the child marriages issue.

7. Disciplinary Action against Child Marriage Prohibition Officers:

Every Child Marriage Prohibition Officer shall be responsible for taking pro-active steps to prevent Child Marriages including furnishing of timely information of any such marriages or proposed marriages to Police and Superior Officers concerned.

Any failure in this regard shall entail appropriate action against concerned by the District Collector.

8. Designation of Nodal Officer:

1. The Commissioner / Director of Women Development & Child Welfare at State Level and the District Collector at the District Level and RDO's/ Sub Collectors at the divisional level shall be the Nodal Officers respectively for the purpose of implementation of the Act and the Rules.
2. The Commissioner / Director of Women Development & Child Welfare at State Level and the District Collector at the District Level and RDO's/ Sub Collectors at Revenue Division level shall periodically review the functioning of the "Child Marriage Prohibition Officers" which shall not be less than once in six months within her/his respective State/District/Division and take all necessary measures for the proper and effective implementation of the Act and the Rules.

9. Follow Up:

1. The Woman Protection Secretary / Mahila Police of the respective Village / Ward Sachivalayam shall follow up periodically the children whose Child Marriage is prevented by the CMPOs up to they attain the marriage age as per the provisions of Prohibition of Child Marriages Act 2006.
2. The Woman Protection Secretary shall maintain the list of all children who are in vulnerable condition as per the survey conducted at Village/ Ward level and interact with such children & their families periodically to educate them on the consequences of Child Marriages in prevention measures.

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10. Village/Ward Child Marriage Prohibition and Monitoring Committees:

A committee shall be constituted in every village to monitor and supervise the implementation of the Act and the Rules within that village/Ward. The Committee shall comprise of the following persons:

1.	Gram Panchayat Sarpanch/Councilor/Corporator	- Chairperson
2.	The Panchayat Secretary/ Admin. Secretary	- Member
3.	Village/ Ward Revenue Officers of Revenue Dept.,	- Member
4.	Local School Head Master/Teacher	- Member
5.	Members of Self Help Group/Gram Samakhya	- Members
6.	Elected Panchayat Women Members	- Members
7.	ANM of the Village/Ward Sachivalayam	- Member
8.	NGO functioning in the area on child rights	- Member
9.	Member from Youth Organization Preferably a woman	- Members
10.	Anganwadi Worker	- Member
11.	Women Protection Secretary/ Mahila Police(MSK)	- Convenor

11. Mass Solemnization of Child Marriages:

`The CMPO's and officials concerned shall, during the mass solemnizations of child marriages, on occasions such as Akshya Trutiya, Mahashivaratri, Sravana and Magha (Kalyanamastu Programme) etc. take all necessary steps to prevent Child Marriages including the following:

1. The District Collector shall involve all the related departments; especially the Endowments/Department, i.e. Head of Festival Committees or the Executive Officer of the temple where mass marriages are being held; Health, Education, Rural Development, Panchayati Raj, Women Development and Child Welfare, Police, Information & Public Relation, Adult Education, Revenue etc., among others, for better co-ordination to ensure that no child marriages, including mass child marriages are solemnized.
2. The District Administration should begin planning and strategizing well before such occasions with constant awareness drives etc., against child marriages including mass child marriages.

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3. The Officials shall ensure scrupulous adherence to the Andhra Pradesh Compulsory Registration of Marriages Act, 2002.
4. The Nodal Officers at State Level and District Level with the help of Village Level Child Marriage Prohibition Committee and CMPOs etc., at various levels should among others, take the following measures:

(a). Give wide publicity about the negative consequences of child marriages and the punishments involved in the local language and use creative and mass media through films, hoardings, posters, pamphlets, loudspeakers, cultural programmes etc, and advertisement on the TV, radio and newspapers and on buses and trains etc.

(b). Take a serious note of any form or means of glorification of child marriages and initiate appropriate measures, including legal action, against child marriages and must initiate appropriate measures, including legal action, against such person/organizations responsible for such glorification.

(c). Ensure that officials and Professionals like doctors etc., on no account issue false medical/birth/age certificates and initiate appropriate action when they are found doing so.

(d). Necessarily involve NGOs having a track record of working on issues related to children, in particular against child marriages.

12. Budget:

The Nodal Officers and Child Marriage Prohibition Officers at various levels shall be provided by their respective departments with adequate funds to implement and monitor the implementation of the Act and Rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M T KRISHNA BABU
SPECIAL CHIEF SECRETARY TO GOVERNMENT(FAC)

To
The Commissioner of printing, Stationary and Stores Purchase (Printing Wing) Govt. of A.P.(with a request to publish the notification in extraordinary issue of the A.P.Gazette and furnish 300 copies of this Department).
All Departments of Secretariat.
The Director, WD & CW, A.P., Guntur.
All Heads of Department.
All District Collectors and Magistrates.
All Superintendents of Police.

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The Spl. Chief Secretary to Hon'ble Chief Minister.
The P.S to Minister, Department for WCDA & SC
The PS to Chief Secretary.
The PS to Principal Secretary, Department for WCDA & SC.
SF/SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER